

Sixth Appellate District

San Jose, California

MONDAY, JULY 28, 2008

H031157 PRESTON AVERY, et al. v. COUNTY OF SANTA CLARA, et al.

The judgment entered on the order granting summary judgment in favor of the County and the individual defendants is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed July 28, 2008

H032428 PEOPLE v. QUIROZ

The judgment is affirmed. (not published)

(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., Duffy, J.)

Filed July 28, 2008

H032043 PEOPLE v. VIGIL

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed July 28, 2008

TUESDAY, JULY 29, 2008

The following cases are submitted this date:

H032595 In re CASSANDRA K. et al.; D.F.C.S. v. JEFFERY K.

H029862 PEOPLE v. PLASCENCIA

H031098 PEOPLE v. CHAIREZ

Filed modification of opinion with no change in the judgment. The petition for rehearing is denied. (not published) (Premo, J., Rushing, P.J., Elia, J.)

Filed July 29, 2008

H029772 & H029988 GEORGE PELLEGRINI v. DAVID WEISS, et al.

With regard to Weiss's appeal, the judgment is modified to include a calculation of interest from the date of entry of final judgment of January 13, 2006. As modified, the judgment is affirmed. With regard to Pellegrini's cross-appeal, the order denying attorney fees is affirmed. Each party shall bear its own costs on appeal (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 29, 2008

Sixth Appellate District

San Jose, California

Tuesday, July 29, 2008 (continued)

H029296 CITY OF HOLLISTER v. MONTEREY INSURANCE COMPANY, et al.

The judgment is modified to provide that the 180 day period provided therein will begin to run when this court's opinion is final as to this court and the time to seek review from the California Supreme Court has expired. This modification is without prejudice to such further modification as the trial court may elect to make in the exercise of its inherent equitable jurisdiction. As so modified, the judgment is affirmed. Costs to respondent City of Hollister. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 29, 2008

H030161 CITY OF HOLLISTER v. MONTEREY INSURANCE COMPANY, et al.

The appeal is dismissed. Each side will bear its own costs. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 29, 2008

H031853 PEOPLE v. AMERICAN CONTRACTORS INDEMNITY COMPANY

The judgment is reversed. The trial court is directed to vacate the forfeiture of the bond and to exonerate it. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed July 29, 2008

H032246 PEOPLE v. CARTER

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 29, 2008

H031732 PEOPLE v. BRAGA

The judgment is ordered modified to reduce the restitution fund fine under section 1202.4, subdivision (b), from \$6,000 to \$4,800, and the parole revocation fine under section 1202.45 from \$6,000 to \$4,800. As so modified, the judgment is affirmed. The superior court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed July 29, 2008

Sixth Appellate District

San Jose, California

WEDNESDAY, JULY 30, 2008

H032020 PEOPLE v. TOVAR

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed July 30, 2008

H031227 In re LIRA on Habeas Corpus

The case is remanded to the trial court to modify its order granting Lira's petition for habeas corpus and remand the matter to the Board to reconsider its decision and to conduct a new hearing to reconsider Lira's suitability for parole, using, without restriction, the factors deemed appropriate by the relevant statutes and regulations and in accordance with the requirements of due process. As so modified, the order is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 30, 2008

H031503 MAMOU v. TRENDWEST RESORTS, INC., et al.

The judgment is reversed. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 30, 2008

The following case is submitted this date:

H029771 TRAVIS, et al. v. COUNTY OF SANTA CRUZ

THURSDAY, JULY 31, 2008

H031819 PEOPLE v. LOPEZ

The judgment is modified to reflect that defendant is entitled to 426 days of sentencing credits. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare a corrected abstract of judgment and to forward a copy of it to the Department of Corrections. (not published)
(Duffy, J.; We concur: Rushing, P.J., McAdams, J.)
Filed July 31, 2008

H031836 PEOPLE v. CURRY

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed July 31, 2008

Sixth Appellate District

San Jose, California

Thursday, July 31, 2008 (continued)

H032216 MOORE v. CHAVA

The attempted appeal from the unsigned minute order dismissing plaintiff's case without prejudice is dismissed. (not published)

(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., Duffy, J.)
Filed July 31, 2008

H032157 PEOPLE v. LUCAS

The trial court is directed to enter a dismissal of counts 2 and 4. As so modified, the judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., Duffy, J.)
Filed July 31, 2008

FRIDAY, AUGUST 1, 2008

H030684 PEOPLE v. ALVARADO

The judgment is reversed. The matter is remanded to the trial court to determine whether the statute of limitations bars defendant's conviction. If the trial court finds the statute of limitations had run, the court is instructed to vacate the judgment. If the trial court finds the statute of limitations had not yet run, it shall reinstate the judgment of conviction. (not published)

(McAdams, J.; I concur: Mihara, J.; Concurring opinion by:
Bamattre-Manoukian, Acting P.J.)
Filed August 1, 2008